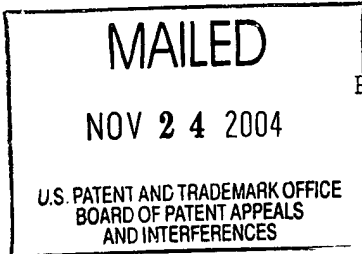


UNITED STATES PATENT AND TRADEMARK OFFICE



\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte SHRINIWAS OHIA

\_\_\_\_\_  
Application No. 09/436,920  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on September 24, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On August 7, 2003, the examiner entered a Final rejection (Paper No. 12) of claims as follows:

- (1) claims 1, 4-7, 10-14, 16 and 18-21 under 35 U.S.C. § 102(e) as anticipated by Flood; and
- (2) claims 2, 3, 8, 9, 15 and 17 under 35 U.S.C. § 103 as being unpatentable over Flood further in views of Schneider.

Application No. 09/436,920

On April 30, 2004, the examiner mailed an Examiner's Answer (Paper No. 19). A review of the record reveals that the examiner has not included claim 21 in his rejection under 35 U.S.C. § 102(e). Therefore it is not clear whether the rejection of claim 21 has been dropped by the examiner, or whether claim 21 has been inadvertently omitted by the examiner.

Accordingly, it is

ORDERED that the application is returned to the examiner for clarification as to the status of claim 21, written notification to appellant, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'DMSH', followed by a horizontal line.

DALE M. SHAW  
Program and Resource Administrator  
(571) 272-9797

cc: Baker & Botts LLP  
2001 Ross Ave.  
Dallas, TX 75201-2980

DMS/clm/lis  
RA05-0056